

UNITED STATES OF AMERICA

v.

BRIEN FREDENDALL,

Defendant.

) Criminal No. 5:24-CR-139(BKS)
)
) **Indictment**
)
) Violation: 18 U.S.C. § 2252A(a)(5)(B)
) Possession of Child
) Pornography
)
) 2 Counts & Forfeiture Allegation
)
) County of Offense: Cayuga

THE GRAND JURY CHARGES:

COUNT 1

[Possession of Child Pornography]

On or about August 16, 2023, in Cayuga County in the Northern District of New York, the defendant, **BRIEN FREDENDALL**, did knowingly possess material that contained one or more images of child pornography that had been transported using a means and facility of interstate and foreign commerce, and in and affecting such commerce by any means, including by computer, and that was produced using materials that had been shipped and transported in and affecting such commerce by any means, including by computer, that is, a Motorola Edge+ cellular telephone, serial number ZY22BMG99J, manufactured outside the state of New York, containing numerous graphic image and video files of minors engaged in sexually explicit conduct, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

COUNT 2

[Possession of Child Pornography]

On or about May 10, 2023, in Cayuga County in the Northern District of New York, the defendant, **BRIEN FREDENDALL**, did knowingly possess material that contained one or more image and video files of child pornography that had been shipped and transported using any means

and facility of interstate and foreign commerce and in and affecting such commerce by any means, including by computer, in that the defendant maintained an account on an Internet-based messaging application in which he maintained and saved graphic image and video files depicting V-1, a minor female child whose identity is known to the grand jury, engaged in sexually explicit conduct, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

PRIOR CONVICTION ALLEGATION

The defendant, **BRIEN FREDENDALL**, has a prior final conviction under the laws of the state of New York, in that he was convicted upon a plea of guilty on or about March 2, 2010, in Cayuga County Court, of one count of possessing a sexual performance by a child less than 16 years of age, in violation of New York Penal Law § 263.16, and was sentenced on or about March 2, 2010, to four months in prison and ten years' probation.

This prior conviction affects the penalty provisions associated with Counts 1 and 2, pursuant to Title 18 United States Code, Section 2252A(b)(2).

FORFEITURE ALLEGATION

The allegations contained in Count 1 of this Indictment are hereby realleged and incorporated by reference herein for the purposes of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 2253.


Pursuant to Title 18, United States Code, Section 2253(a)(3), upon conviction of the charge alleged in Count 1, the defendant, **BRIEN FREDENDALL**, shall forfeit to the United States of America any property, real and personal, used and intended to be used to commit and to promote the commission of the offense. The property subject to forfeiture includes, but is not limited to, the following:

- a. One (1) Motorola Edge+ cellular telephone, serial number ZY22BMG99J

Dated: March 20, 2024

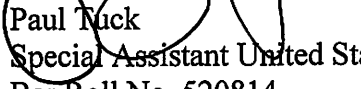
**NAME REDACTED

A TRUE BILL,


Grand Jury Foreperson

CARLA B. FREEDMAN
United States Attorney

By:


Paul Tuck
Special Assistant United States Attorney
Bar Roll No. 520814